THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2290 of 2007

26.4.2007

Between:

Pyla Satyanarayana, S/o.Bangarayya

… Petitioner

AND

The Revenue Divisional Officer, Peddapuram, East Godavari District

And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.2290 of 2007

ORDER:

The petitioner filed the present writ petition seeking a direction to respondents not to dispossess him from the land admeasuring Acs.4.98 in R.S.No.237/2B situated at Appannapalem village, Hamlet of Yeleswaram Gram Panchayat in East Godavari District (subject land, for brevity).

The case of the petitioner is that he purchased the subject land under registered sale deed dated 26.4.1985 from Pathalam Rajarao and Pathalam Satyanarayana. The Mandal Revenue Officer (MRO), Yeleswaram Mandal – second respondent herein; issued urgent notice dated 20.9.2004 calling upon the petitioner to show cause as to why subject land should not be resumed for contravention of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). The petitioner got issued notice by way of explanation through his lawyer *inter alia* contending that the subject land is not assigned land and is not covered under the provisions of the Act. In response thereto, the MRO sent a reply on 12.10.2004 directing the petitioner to vacate the land. Aggrieved by the same, petitioner preferred appeal under Section 4-A of the Act before the first respondent. The same is still pending. Nonetheless petitioner filed the instant writ petition alleging that the second respondent bore grudge against him and so as to harass him, second respondent is trying to dispossess the petitioner high-handedly.

The matter was heard on 08.3.2007. Against the notice issued under Rules 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977, an appeal would lie to the Revenue Divisional Officer (RDO). Learned Assistant Government Pleader sought time to get instructions in the matter. Today learned Assistant Government Pleader submits that the RDO has already been informed to dispose of the appeal. Therefore, this Court observes that if the appeal is still pending, the same may be disposed of immediately after receipt of a copy of this order. This Court also observes that unless and until second respondent passes order under Section 4 of the Act, the petitioner – if he is in possession – cannot be dispossessed.

The writ petition, with the above observation, is accordingly disposed

of. No costs.

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(**V.V.S.RAO, J**)

April 26, 2007.
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